

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA**

**CLEON ABRAMS, SR., et al.,**

\*

\*

\*

\*

\*

**Plaintiffs,**

**v.**

**CASE NO. 08-68**

**CIBA SPECIALTY CHEMICALS  
CORPORATION, et al.,**

\*

\*

\*

**Defendants.**

\*

**MOTION OF DEFENDANTS TO WITHDRAW MOTION TO STRIKE**

COME NOW Defendants, and respectfully withdraw the motion to strike Marco Kaltofen as an expert witness in this matter (Doc numbers 147 and 150). Defendants reserve the right to renew said motion in the event new or additional materials prepared in support of his expert report and opinions contained therein are subsequently provided. By filing this motion, Defendants are not waiving their right to seek, exclude or limit the opinions and testimony of Marco Kaltofen, including on the basis of information, data, and reference materials provided to Defendants after the Plaintiffs' expert disclosure deadline as set by the Court.

Respectfully submitted,

/s/ F. Grey Redditt, Jr.

F. GREY REDDITT, JR. (REDDF5142)

LISA BRADFORD HANSEN (HANSL6550)

Attorneys for Defendants

Vickers, Riis, Murray and Curran, L.L.C.

Post Office Drawer 2568

Mobile, Alabama 36652-2568

Telephone: (251) 432-9772

Facsimile: (251) 432-9781

WILLIAM B. GAUDET (*pro hac vice*)  
ANN R. KOPPEL (*pro hac vice*)  
Adams and Reese LLP  
4500 One Shell Square  
New Orleans, Louisiana 70139  
Telephone: (504) 585-0213  
Facsimile: (504) 566-0210

**Attorneys for Defendants**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on the following counsel of record by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing on April 17, 2009:

Dennis C. Reich, Esquire  
Michael T. Howell, Esquire  
Reich & Binstock  
4265 San Felipe, Suite 1000  
Houston, Texas 77027

Fred D. Gray, Esquire  
Gray, Langford, Sapp, McGowan,  
Gray & Nathanson  
Post Office Box 830239  
108 Eastside Street  
Tuskegee, Alabama 36083

Scott Denson, Esquire  
McCleave & Denson, LLC  
507 Church Street  
Mobile, Alabama 36602

/s/ F. Grey Redditt, Jr.

F. GREY REDDITT, JR. (REDDF5142)